

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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EMILE MOREAU,

Plaintiff,

-v-

9:20-CV-124

SHERRY ELLSWORTH *et al.*,

Defendants.  
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APPEARANCES:

OF COUNSEL:

EMILE MOREAU  
Plaintiff, Pro Se  
04-A-1588  
Marcy Correctional Facility  
P.O. Box 3600  
Marcy, NY 13403

HON. LETITIA JAMES  
New York State Attorney General  
Attorneys for Defendants  
The Capitol  
Albany, NY 12224

DAVID C. WHITE, ESQ.  
Ass't Attorney General

DAVID N. HURD  
United States District Judge

**ORDER ON REPORT & RECOMMENDATION**

On February 5, 2020, *pro se* plaintiff Emile Moreau (“plaintiff”), an inmate in the custody of the New York State Department of Corrections and

Community Supervision (“DOCCS”) at Eastern Correctional Facility, filed this 42 U.S.C. § 1983 action alleging, *inter alia*, that defendants violated his First Amendment rights by interfering with his mail and his access to the courts, and by retaliating against him for the exercise of those rights. Dkt. No. 1. Following some preliminary motion practice and a period of discovery, defendants moved under Federal Rule of Civil Procedure (“Rule”) 56 for summary judgment on all of plaintiff’s remaining claims. Dkt. No. 43.

On July 15, 2021, U.S. Magistrate Judge Andrew T. Baxter advised by Report & Recommendation (“R&R”) that defendants’ motion be granted and that plaintiff’s complaint be dismissed. Dkt. No. 56. Plaintiff has filed objections to the R&R. Dkt. No. 57.

Upon *de novo* review of the portions to which plaintiff has objected, the Report & Recommendation will be accepted and adopted in all respects. *See* 28 U.S.C. § 636(b)(1)(C).

Therefore, it is

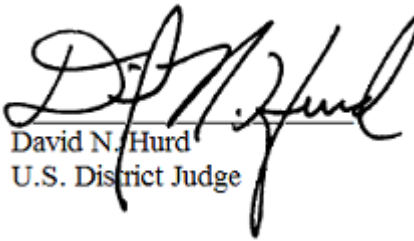
ORDERED that

1. The Report & Recommendation is ADOPTED;
2. Defendants’ motion for summary judgment is GRANTED; and
3. Plaintiff’s complaint is DISMISSED.

The Clerk of the Court is directed to enter a judgment accordingly and to close the file.

IT IS SO ORDERED.

Dated: August 26, 2021  
Utica, New York.



David N. Hurd  
U.S. District Judge